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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 3:14-cr-00044-LRH-WGC

Plaintiff,

ORDER

v.

KEVIN HORTIZUELA aka K-9,

Defendant.

The defendant, Kevin Hortizuela, pleaded guilty to Count 2: Use of a Communication Device in the Commission of a Felony Under the Controlled Substances Act, in violation of 21 U.S.C. § 843(b), and punishable by 21 U.S.C. § 843(d)(1) and received a maximum term of four years of custody. At the time of sentencing, the court was mistakenly under the impression that this offense allowed for a three-year term of supervised release. Upon reflection, it appears that the maximum term of supervised release is one year pursuant to 18 U.S.C. § 3583(b)(3) because the offense of conviction is classified as a class E felony, in accord with 18 U.S.C. § 3559(a)(5). Accordingly, a one-year term of supervised release is the term allowed under the Sentencing Guidelines provision, USSG § 5D1.3(a)(3).

It appearing that the court was mistaken in imposing a three-year term of supervised release because defendant Hortizuela cannot be subject to a term of more than one year of supervised release, his sentence is hereby modified accordingly to one year.

1 Subject to this modification, all other terms and conditions of supervised release
2 imposed by the court at sentencing on November 16, 2017, shall continue during
3 defendant Hortizuela's one year of supervised release.

4
5 IT IS SO ORDERED.

6 DATED this 28th day of November, 2017.

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9 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE